

No. 8377-4Lab-76/34171.—In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s. Saraswati Ceramics and Refractories Private Limited, Plot No. 105, Sector-25, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 99 of 1976

between

SHRI SHIV CHARAN WORKMAN AND THE MANAGEMENT OF M/S SARSWATI CERAMICS
AND REFRECTORIES PRIVATE LIMITED, PLOT NO. 105, SECTOR-25, BALLABGARH

AWARD

This award shall dispose off reference Nos. 99, 100, 119 to 122 all of 1976, as common questions of facts and law are involved therein.

The Governor of Haryana in exercise of the powers conferred on him, *vide* clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, referred the following common dispute, between each one of the workman and the management of M/s. Saraswati Ceramics & Refractories Private Limited, Plot No. 105, Sector-25, Ballabgarh, separately, for adjudication by this Tribunal.

Whether the termination of services of Shri Shiv Charan/Jhakri Parshad/Muneshwar/Bachhu Lal Pancham/Shiv Mangal/was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in response to the usual notices of reference sent to them in each case, before me, on 30th July, 1976 and made statements in accordance with the mutual amicable settlement arrived at between them.

Shri Sunhari Lal authorised representative for each one of the workmen made a statement separately in each case that Shri Shiv Charan workman had received Rs. 1025 Shri Jhakri Parshad had received a sum of Rs. 825 Shri Muneshwar workman had received a sum of Rs. 650 Shri Bachhu Lal had received a sum of Rs. 675 and each one of Pancham and Mangal had received amount in cash from the management, in full and final satisfaction of all his claim against the management including that of his reinstatement and re-employment and no other claim had been left against them.

It would thus appear that the demand raised by each one of the workman on the management leading to this reference stands fully satisfied and there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer each one of these references while returning the award in these terms.

Dated 9th August, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad

No. 935, dated 9th August, 1976

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 9th August, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 14th December, 1976

No. 12095-4Lab-76/34069.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/S Hindustan Pottery Industries Bahadurgarh,

BEFORE SHRI MOHAN LAL JAIN PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Application No. 8 of 1975 complaint under section 33 (a) of the Industrial Disputes Act, 1947.

between

SHRI RISHAL SINGH WORKMAN AND THE MANAGEMENT OF M/S. HINDUSTAN
POTTERY INDUSTRIES BAHADURGARH

AWARD

Report has been received on the registered envelope sent to the workman on the address supplied by him with the notice of this application, that he was not found available on that address despite repeated attempts being made by the Postman concerned for delivery to him of the registered envelope. There is no other address of the applicant on record to enable me to send the notice of the application to him again on the correct address. Shri Harish Chander is present before me today on behalf of the management as their authorised representative. I have under the circumstances no option but to dismiss this application made by the workman under section 33 (a) of the Industrial Dispute, Act, for default of his appearance and non prosecution of the case by him. I order accordingly.

Dated 17th November, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2595, dated 25th November, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 12090-4Lab-76/34079.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/s Friends, O/1(a) industrial Area, Sonapat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 62 of 1976

between

SHRI KAMAL SINGH WORKMAN AND THE MANAGEMENT OF M/S FRIENDS
FOUNDRY, O/1(A) INDUSTRIAL AREA, SONEPAT

AWARD

By order No. ID/RK/367-A-76/26173 dated 2nd August, 1976 of the Governor of Haryana, the following dispute between the management of M/s. Friends Foundry, O/1(a) Industrial Area, Sonapat and its workman Shri Kamal Singh was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of service of Shri Kamal Singh was justified and in order ? If not, to what relief is he entitled ?

Whereas the management put in their appearance in this Court on 10th September, 1976 in response to the usual notices of reference sent to the workman absented himself on that date despite service of such notice on his authorised representative Shri Ram Sarup Lakra, with the result that the *ex parte* proceedings were taken up against him.

The management examined Shri B. D. Bhutani on 16th November, 1976, in *ex parte* evidence, in support of their case, that the demand raised by the workman on them leading to this reference had been finally settled and that the latter had now no claim against them. Shri B. D. Bhutani deposed that the workman concerned signed the letter of withdrawal of his demand Ex. M—1 in his presence.

I see no reasons to disbelieve the statement of Shri B. D. Bhutani representative of the management, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on the management, leading to this reference.

I thus relying upon the statement of Shri Bhutani hold that demand of the workman has been satisfied and there is now no dispute between the parties requiring adjudication. I thus answer the reference while returning the Award Accordingly.

Dated the 16th November, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2590 dated 20th November, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 12092-4Lab-76/34081.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the Management M/s Haryana Textiles Rohtak.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 77 of 1974

between

SMT. KANTI DEVI WORKWOMAN AND THE MANAGEMENT OF M/S. HARYANA
TEXTILES ROHTAK.

AWARD

By order No. ID/RK/155-A-72/30454-54, dated 3rd August, 1972 of the Governor of Haryana, the following dispute between the management of M/s. Haryana Textile Rohtak and its workwoman Smt. Kanti Devi, was referred to this court, for adjudication, in exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of service of Shrimati Kanti Devi was justified and in order ?
If not; to what relief is he entitled ?

The parties put in their appearance in this court and filed their pleadings giving rise to the following issues framed,—*vide* order, dated the 3rd October, 1974 :—

1. Whether Smt. Kanti Devi worker concerned has settled his dispute with the management and received her dues in full and final settlement of her claims including the right of re-instatement or re-employment.
- (2) If issue No. 1 is not proved as per order of reference.

Issue No. 1 was decided by me against the management,—*vide* my detailed order dated 5th March, 1976 on consideration of the evidence led by the parties. The case was at the stage of recording the evidence of the management. On issue No. 2 when the parties arrived at a settlement and made their statements before me on 15th November, 1976 in terms thereof.

I accordingly, in view of the settlement arrived at by them and their statements recorded by me interms thereof hold that the termination of service of workwoman w.e.f. 5th April, 1972 was unjustified and she is entitled to be reinstated from that date, with continuity of service. She has received Rs. 500 in cash from the management and given up the remaining part of her back

wages. I, therefore, order that the workman shall be reinstated w.e.f. 5th April, 1972, with continuity of service.

MOHAN LAL JAIN,

Dated the 16th November, 1976.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2592, dated the 20th November, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 15th December, 1976

No. 11926-4Lab-76/34241.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Western Engineering Industries Private Limited, Plot No. 98, Sector 6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 176 of 1976

between

SHRI RAM SINGH, WORKMAN AND THE MANAGEMENT OF M/S WESTERN
ENGINEERING INDUSTRIES PRIVATE LIMITED, PLOT NO. 98,
SECTOR 6, FARIDABAD

AWARD

By order No. ID/FD/1052-A-76/31563, dated 17th August, 1976, the Governor of Haryana referred the following dispute between the management of M/s Western Engineering Industries Private Limited, Plot No. 98, Sector 6, Faridabad, and its workman Shri Ram Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947: —

Whether the termination of services of Shri Ram Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the reference notices were issued to the parties for 30th September, 1976. None was summoned for that day. Again notices were issued to them. Service was effected on both the parties. The workman or his representative did not appear. The management appeared through Factory Manager. The case was then fixed for *ex parte* evidence of the management for today. The Factory Manager appeared as witness of the management and stated on oath that the workman had left the services of his own on and from 15th June, 1976. He has received his dues amounting to Rs. 64.10 as full and final settlement of his dues. Thereafter, the workman did not turn up. The management has not terminated his services. The said witness had brought the payment of wages register with him on which the workman has written in his own hand the same matter. I find there is no dispute between the parties. Hence I submit my award that there is no dispute between the parties.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 12th November, 1976.

No. 1244, dated 12th November 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 12th November, 1976.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 12246-4Lab-76/34253.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Hari Palace, Ambala City.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 13 of 1976

between

SHRI PREM BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S HARI PALACE,
AMBALA CITY

AWARD

By order No. ID/Amb/249-C-75/7206, dated 16th February, 1976, of the Governor of Haryana, the following dispute between the management of M/s Hari Palace, Ambala City, and their workman Shri Prem Bahadur, was referred to this court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Prem Bahadur was justified and in order? If not, to what relief is he entitled?

Neither the workman nor the management put in his appearance on 18th May, 1976, before me, despite service of notice of this reference on them and their absence under these circumstances indicates want of interest of the workman pursuing his demand leading to the reference.

I, therefore, hold that there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

Dated the 19th May, 1976

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. , dated .

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4894-4Lab-76/34291.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Banwari Lal Parshotam Dass, Plot No. 35, Sector 6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 48 of 1976

between

SHRI KRISHAN LAL ROHALLA, WORKMAN AND THE MANAGEMENT OF M/S
BANWARI LAL PARSHOTAM DASS, PLOT NO. 35, SECTOR 6, FARIDABAD

AWARD

By order No. ID/FD/937-A-75/6841, dated 13th February, 1976, the Governor of Haryana referred the following dispute between the management of M/s Banwari Lal Parshotam Dass, Plot No. 35, Sector 6, Faridabad, and its workman Shri Krishan Lal Rohalla to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Krishan Gopal Rohella was justified and in order? If not, to what relief is he entitled?

Shri Krishan Lal Rohella, workman concerned, put in his appearance on 22nd April, 1976, in response to the usual notices of reference sent to him. The management, however, being not served with the notice of reference for their appearance on that date, orders were made for issuing fresh notice for their service and the case was adjourned to 10th May, 1976. Neither the workman nor the management put in their appearance on 10th May, 1976, the adjourned date of hearing leading to an inference that the workman was not interested in pursuing the demand leading to the reference and that there was now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 12th May, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 602, dated the 13th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 13th May, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 13th August/6th December, 1976

No. 6818-4Lab-76/33023.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Tractel Tirfor India Private Limited, 14/6, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 141 of 1975

between

SHRI LAL SINGH BRAR, WORKMAN AND THE MANAGEMENT OF M/S TRACTEL TIRFOR INDIA PRIVATE LIMITED, 14/6, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/59390, dated 11th September, 1975, of the Governor of Haryana, the following dispute between the management of M/s. Tractel Tirfor India Private Limited, Mathura Road, Faridabad, and its workman Shri Lal Singh Brar, was referred to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Lal Singh Brar was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged that he being employed by the management as an electrician on 1st September, 1973 with duties of repairing of electrical installation, switch gears, starters, Panel Boards, motor winding, wiring and electric fitting etc, assigned to him, was removed from their services,—*vide* letter No. 65 dated 9th May, 1975. He stated that the termination of his services being made by way of retrenchment, the management failed to comply with the provisions of section 25 (F) of the Industrial Disputes Act, rendering the retrenchment illegal. He gave out that the order of termination of his services had been made on account of his Trade Union activities and his demand of dearness allowance and increment as had been given to the other workmen and that the management had employed an electrician right from the date when his services were terminated and his retrenchment was illegal on this ground as well.

The management pleaded,—*vide* written statement filed by them, that the workman did not raise a demand directly on them, before taking the matter to the Conciliation Officer and as such the reference was bad in law and was liable to be rejected on this ground. They further pleaded that Shri Lal Singh Brar was not a workman within the definition of this term as given in section 2 (s) of the Industrial Disputes Act as he had been working in a supervisory capacity since the date of his employment as electric charge-hand and as such the reference was bad in law.

On merits they while admitting the termination of services of Shri Lal Singh Brar,—*vide* letter dated 9th May, 1975 and his wages of Rs 510 per mensem on that date gave out that it was not necessary for them to give out the reasons for the termination of his services. They stated that Shri Lal Singh Brar had collected all his dues in full and final settlement of all his claims.

The workman controverted the pleas of the management,—*vide* rejoinder filed by him and reiterated the allegations made by him in the claim statement with the result that the following issues were framed on pleas of the parties,—*vide* order dated 21st January, 1976:—

1. Whether it was necessary for the workman to serve a notice of demands directly on the management and for the latter to reject it before the matter was taken before the Conciliation Officer, in order to constitute an industrial dispute?
2. If yes, whether such a course was adopted?
3. Whether Shri Lal Singh Brar was a workman on the date of termination of the services?
4. Whether the termination of services of Shri Lal Singh Brar was justified and in order? If not, to what relief is he entitled?

I have heard authorised representatives for the parties and seen the record. I decide the issues as under:—

Issues No. 1 to 3.—Shri S.L. Gupta, authorised representative for the management did not press the pleas covered by these issues and as such addressed no arguments upon the same. Even otherwise the service of notice of demands by the workman on the management stands established *vide* postal receipts Ex. W.2 and the acknowledgement receipt Ex. W.3 and the registered letter sent to the management with a notice of demands, copy Ex. W.4. There is no rebuttal on record for the management of the aforesaid documentary evidence and the oral statement made by the workman. Shri R.P. Sharma, in service of the management as an Industrial Engineer, the only witness examined by them, admitted that he and one Shri H.M. Charles were both incharge of the work of Shri Lal Singh Brar and either of them could take work from him. His statement that Shri Lal Singh Brar supervised the work of 2 or 3 persons working under him as his helpers and recommended their leave and increment, remained un-corroborated by documentary evidence. The failure of the management to bring on record leave applications and documents relating to the increments of these helpers showing recommendations of Shri Lal Singh Brar, led to a presumption against them that the statement of Shri R.P. Sharma as referred to above was not correct. The workman on the other hand fully supported his case while appearing as his own witness and giving out that he used to set right electric machines which had gone out of order and the wiring etc, which had become un-workable and that he prepared Panel Board of a generator and the Panel of a Furnace and used to wind the electric motors with his own hands. Shri R.P. Sharma did not even deny the correctness of this part of statement of Shri Lal Singh Brar leading to a conclusion that whatever was deposed by the latter was correct in all respects.

I, therefore, while relying on the testimony of Shri Lal Singh Brar and in view of the absence of evidence for the management in support of their plea and the reasons stated above decide all these issues in favour of the workman.

Issue No. 4.—It would be interesting to note that whereas the management set up a case of retrenchment of the workman at the evidence stage, they specifically pleaded in the written statement that Shri Lal Singh Brar was not a workman under section 2(S) of the Industrial Disputes Act and as such the question of his retrenchment did not arise. It would, thus, appear that the case of the management as set up by them in the pleadings that his services were terminated on 9th May, 1975 otherwise than by way of retrenchment, is quite inconsistent with their case as put-forth by them at the evidence stage that his services were retrenched. The termination of the services of the workman, under these circumstances should be held as unjustified on this ground alone.

Taking up the case of the management in respect of the retrenchment of the workman under section 25(F) of the Act, as set up by them at the evidence stage, reference may be made to the letter Ex. W.1, dated 9th May, 1975 admittedly sent by the former to the latter terminating his services with an averment that they regretted to inform him that they were no longer interested in his services and the same stood terminated with immediate effect that he could collect his full and final dues immediately. It would appear that not a least mention was made by the management in this letter about the factum of retrenchment of the workman and the letter purported to be only in respect of the termination of his services. Even considering this omission as accidental, no reasons are admittedly stated in this letter for retrenchment of the workman and justifying the action of the management in that connection. I am, thus, satisfied that the management in fact did not retrench the services of the workman and that they on the other hand terminated his services,—*vide* letter Ex.W.1. without justification and without assigning any reasons, and that they developed a case of his retrenchment only subsequently at the evidence stage.

Coming now to the legal aspect of the question it is necessary to reproduce *in extenso* the provision of section 25 (F) of the Act as under:—

“No workman employed in any industry who has been in continuous service for not less than one year under employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided.....

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service) or any part thereof in excess of six months; and”

It is admitted on both sides that the management did not pay or remit to the workman the retrenchment compensation, as required,—*vide* section 25(F) clause (b) of the Act, on 9th May, 1975 when they are said to have retrenched his services. The mandatory requirement and provisions of section 25 (F) clause (b) thus remained un-complied with and the retrenchment if any is illegal on this ground as well. The authority reported as 1970-1 L.L.J Page 90 between “Tamilnad Transports, Coimbatore (Private) Ltd. and Mariappan (M) and others” (and *vice versa*) and relied upon by Shri S.L. Gupta, authorised representative for the management holding that the retrenchment made on 5th March, 1964 was illegal in view of the payment of compensation to the the workman on 7th March, 1964, supports the case of the workman that his retrenchment was illegal rather than the case of the management that payment of compensation could be made to him even on a subsequent date.

Coming now to the factual position in respect of the actual payment of retrenchment compensation to the workman on 19th May, 1975, the latter stoutly denied to have received any retrenchment compensation. He on the other hand stressed that a sum of Rs 1,384.74 Paise received by him on 19th May, 1975 consisted of his unpaid wages for one month nine days, notice pay and bonus *et cetera* and did not include retrenchment compensation. It is sufficient to state in this connection that there is no evidence worth the name on record, indicating even obliquely that this amount included the retrenchment compensation, so much so even Shri R.P. Sharma the only witness examined by the management did not say a word about it. The mere fact that compensation of Rs 510 as shown as paid to the the workman,—*vide* voucher Ex. M.3. un-signed by him is not sufficient to lead me to hold that a sum of Rs 1384.75 Paise included the retrenchment compensation, particularly when the workman denied its receipt. Considered from any angle, there is no evidence, in my opinion, on record relating to payment of retrenchment compensation to the workman even on 19th May, 1975 and the retrenchment is manifestly illegal.

The result is that the pleas of the management are proved to be inconsistent, frivolous and faked and the termination of services of the workman are unjustified and he is entitled to reinstatement with full back wages and continuity of service. I, hold, accordingly and answer the reference while returning the award in these terms.

Dated the 26th June, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 805, dated the 28th June, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 28th June, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.